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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,457	01/10/2002	Chang-Wen Cao	0462.1 - P - 5909	5535
7590	10/28/2003		EXAMINER [REDACTED]	GOFF II, JOHN L
Chang-Wen Cao 235 Chung - Ho Box 8-24 Taipei, TAIWAN			ART UNIT [REDACTED]	PAPER NUMBER 1733

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/042,457	CAO, CHANG-WEN	
	Examiner	Art Unit	
	John L. Goff	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 January 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### *Drawings*

1. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Examples of changes that should be made to the specification include: On page 1, line 11 delete "zipper strips can not precisely locate" and insert therein - - zipper strips cannot be precisely located - -. On page 1, lines 12 and 13 delete "can not be positioned in the molds precisely" and insert therein - - cannot be precisely positioned in the molds - -. On page 1, line 15 after "manufacturing" insert - - a - -. These examples do not fully encompass all of the changes needed to put the specification in proper idiomatic English such that the complete specification should be reviewed.

3. The disclosure is objected to because of the following informalities: On page 5, line 25 delete "2" and insert therein - - 12 - -. After page 5 there are a number of instances where the zipper teeth are referred to in the Figures as numeral 2 rather than 12, and the specification

should be reviewed to correct all of these instances. On page 7, line 10 delete "16" and insert therein -- 15 --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 requires "expanding the zipper strips". It appears applicant intends "expanding" to mean the zipper strips are tensioned within the molds. This is the interpretation given by the examiner. Applicant is asked to clarify what is meant by the term.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuse (U.S. Patent 5,536,343) in view of the admitted prior art (Figures 1-4 and Specification pages 1-3).

Kuse disclose a method for forming upper and lower engaging pieces on a pair of zipper teeth strips (slide fastener chains) to form a zipper (slide fastener) wherein the inner lateral side

of each zipper teeth strip is provided with holes so that the zipper teeth strips are precisely positioned within an injection molding apparatus for molding the upper and lower engaging pieces (Figure 1 and Column 6, lines 30-47 and Column 14, lines 18-25). Kuse teach a method comprising providing a pair of continuous zipper strips having spaced banks of continuous zipper teeth thereon (Column 14, lines 44-50), applying, e.g. by melting, two films to the space between banks (Figure 2 and Column 7, lines 1-7), punching holes at inner lateral sides of the films (Figure 5 and Column 7, lines 56-60 and Column 12, lines 38-40), guiding the pair of zipper strips in an upper and lower injection mold, tensioning the zipper strips within the molds using the punched holes (Figure 1 and Column 8, lines 39-45 and Column 9, lines 48-58), injection molding upper and lower engaging pieces on the zipper strips (Column 11, lines 50-56, removing the zipper strips from the injection mold, and cutting the zipper strips along the holes to form completed zippers (Figures 1 and 9-11). It is noted Kuse teaches the zipper strips can be provided with banks of separated zipper teeth thereon in a first process. However, Kuse is silent as to a particular method for forming the separated banks of zipper teeth on the zipper strips. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the zipper strips with banks of separated zipper teeth thereon taught by Kuse by forming the zipper teeth on the zipper strips followed by scraping some of the zipper teeth from the strips to create banks of separated zipper teeth as this method was well known in the art for providing the zipper strips as shown for example by the admitted prior art and only the expected results would be achieved.

The admitted prior art teaches a known method for forming upper and lower engaging pieces on a pair of zipper teeth strips (Figures 1-4). The admitted prior art teaches providing a

pair of zipper strips, providing the inner side of the zipper strips with zipper teeth, scraping part of the zipper teeth to create separated banks of zipper teeth, melting and coating two films onto the spaces between the banks of zipper teeth, punching notches in the inner lateral sides of the films, guiding the pair of zipper strips into an upper and lower injection mold, injection molding upper and lower engaging pieces on the zipper strips, removing the zipper strips from the injection mold, and cutting the zipper strips along the notches to form completed zippers (Figures 1-4 and Page 1, lines 15-24).

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481** (after December 2003 the telephone number will be 571-272-1216). The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
John L. Goff

  
JEFF M. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300